

REMARKS

This is intended as a full and complete response to the PTO Communication dated August 5, 2005, having a shortened statutory period for response set to expire on September 5, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Restriction to one of the following inventions is required under 35 U.S.C. §121:

- I. Claims 1-16 and 36-39, drawn to methods of testing a substrate, classified in class 324, subclass 751.
- II. Claims 17, 18 and 22-34, drawn to apparatus for contacting a test object on a substrate, classified in class 324, subclass 751.
- III. Claims 19 and 20, drawn to apparatus for contacting a test object on a substrate, classified in class 324, subclass 751.
- IV. Claim 21, drawn to apparatus for contacting a test object on a substrate, classified in class 324, subclass 751.
- V. Claim 35, drawn to a test system, classified in class 324, subclass 751.
- VI. Claims 40, 41 and 43-52, drawn to apparatus for contacting a test object on a substrate, classified in class 324, subclass 751.
- VII. Claim 42, drawn to apparatus for contacting a test object on a substrate, classified in class 324, subclass 751.

Claims 6-20 and 22-52 remain pending in the application and are shown above. Claims 1-5, and 21 have been cancelled by Applicant. Claims 6, 17, 19, 22, 35, 36, 40, 42, and 43 have been amended by Applicant to correct matters of form and to clarify the

invention. These amendments are not presented to distinguish a reference, thus, the claims as amended are entitled to a full range of equivalents if not previously amended to distinguish a reference. New claim 53 has been added to claim another aspect of the invention in group VI.

Claims 1-52 are subject to restriction and/or election requirement. Applicant elects Group I, claims 6-16 (species 2), with traverse. Reconsideration of the restriction requirement is respectfully requested for reasons presented below.

Applicants thanks the Examiner for his time in a telephonic correspondence with Applicant's representatives Brian Hrna and Ari Pramudji during the week of August 1, 2005. On August 4, 2005, in a telephone conference with Ari Pramudji, the Examiner asserted that he could find one reference that anticipated one group of claims, and that one reference could be used to anticipate all claims based on Applicant's use of the term "not distinct" in the paper filed on May 19, 2005. Applicants submit that the phrase "not distinct," in this paper and the paper filed May 19, 2005, does not refer to patentably distinct inventions, but rather distinct with respect to restriction of claims. Applicants further submit that the claims are patentably distinct and argues that the restriction is not proper due to the similarity in the claims. In order to clarify the arguments, the phrase "not distinct" is clarified in this paper.

The Examiner considers group I as distinct from groups II-VII because 1.) the process for using the product as claimed can be practiced with another materially different product, or 2.) the product as claimed can be used in a materially different process of using that product.

In view of the amendments to claim 6, the process of group I cannot be practiced with another materially different apparatus. Further, the contact unit is claimed such that the displacement according to claim 6 is necessary. Thus, groups I and V-VII are not distinct with respect to restriction. Withdrawal of the restriction of groups I and V-VII is respectfully requested.

The Examiner also believes that group V is distinct. Applicant has amended claim 35 (group V) to be dependent upon claim 17, thus obviating the restriction. Claim 21 (group IV) has been cancelled. Withdrawal of the restriction of group V is respectfully requested.

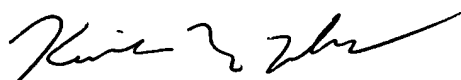
The Examiner also submits that group II is distinct because the combination as claimed does not require the particulars of the sub-combination as claimed and because the combination does not require all of the details of the sub-combination. Comparing, for example, claims 17 and 19, one of the same aspects relating to the contact unit is claimed differently. In one claim, the displacement range is claimed, and in the other, the contact unit is described. The contact unit size is directly connected to the displacement range because the larger the displacement range is, the smaller the contact unit would have to be in order to be moved in the same area. Thus, the inventions of group II and group III are not distinct with respect to restriction. Applicant respectfully requests withdrawal of the restriction of groups II and III.

Applying the above arguments relating to groups II and III, the inventions of groups V and VII merely relate to the extended use of the present invention, wherein an optical axis is also displaceable. As a result, the contact unit is displaceable and independent relative to the optical axis and the holder. The inventive idea is similar to the above mentioned aspects; however, having more moving parts, it is simply impossible to relate to the identical wording of the features. Withdrawal of the restriction of groups II, III, V, and VII is respectfully requested.

In view of the above, the Applicant submits that the restriction requirement is improper and the claims recite one inventive concept. The Applicant considers it an undue burden to prosecute the same inventive idea in different applications to realize the full scope of protection. Accordingly, Applicant respectfully requests reconsideration of the restriction requirement.

Having addressed all issues set out in the PTO Communication, Applicant respectfully requests withdrawal of the restriction and submits that the claims are in condition for allowance.

Respectfully submitted,



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